

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------------------|---|------------------------------------|
| CURTIS L. GIBSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 2:19cv357 |
| |) | Electronic Filing |
| SETH ERICKSON, MARK CAPOZZA, |) | Judge David Stewart Cercone |
| and SCI FAYETTE PRISON |) | Magistrate Judge Patricia L. Dodge |
| OFFICIALS, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

April 14, 2020

Plaintiff, Curtis L. Gibson (“Gibson”), who is currently incarcerated in the State Correctional Institution at Fayette, Pennsylvania (“SCI Fayette”), brings this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Seth Erickson (“Erickson”), a Unit Manager at SCI Fayette, Mark Capozza (“Capozza”), the Warden of SCI Fayette, and unidentified “SCI Fayette Prison Officials.” Defendants Erickson and Capozza filed a Motion to Dismiss Gibson’s Amended Complaint (ECF No. 69), and the Magistrate Judge filed a Report and Recommendation (the “R&R”) (ECF No. 89), which recommended that the Motion to Dismiss be granted. It was further recommended that Gibson’s action be dismissed as to any other party named by Plaintiff, including “SCI Fayette Prison Officials,” and that Plaintiff’s Motion to Submit Exculpatory Evidence (ECF No. 88) be denied as moot.

On April 9, 2020, Gibson filed a Motion for Reconsideration (ECF No. 91), which after review, this Court deems “objections” to the R&R. After a *de novo* review of the pleadings and documents in this case, and upon consideration of the Magistrate Judge’s Report and Recommendation and the objections thereto,

IT IS HEREBY ORDERED that Magistrate Judge Dodge's Report and Recommendation (ECF No. 89) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss filed on behalf of Erickson and Capozza is **GRANTED**. Gibson's Amended Complaint is dismissed with prejudice as to all Defendants, including "SCI Fayette Prison Officials." The Clerk shall mark this case closed.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Submit Exculpatory Evidence (ECF No. 88) and Motion to Request the Court to Charge Defendants with Perjury (ECF No. 92) are **DENIED** as moot.

s/ DAVID STEWART CERCONE
David Stewart Cercone
Senior United States District Judge

cc: Chase M. Defelice, Esquire
Magistrate Judge Patricia L. Dodge

(Via CM/ECF Electronic Mail)

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(Via Regular Mail)